



# State of Utah

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt  
Governor

Robert L. Morgan  
Executive Director

Lowell P. Braxton  
Division Director

1594 West North Temple, Suite 1210

PO Box 145801

Salt Lake City, Utah 84114-5801

(801) 538-5340 telephone

(801) 359-3940 fax

(801) 538-7223 TTY

[www.nr.utah.gov](http://www.nr.utah.gov)

September 12, 2003

Mr. Kyle Morris  
United States Gypsum Company  
P. O. Box 570160  
Sigurd, Utah 84657

Subject: Status of Notice of Intention to Commence Small Mining Operations, United States Gypsum, Moore Road Project, S/015/092, Emery County, Utah

Dear Mr. Morris:

This letter is to document a telephone conversation we had on September 10, 2003, about the status of the Moore Road Notice of Intention to Commence Small Mining Operations (NOI). The NOI is complete with regard to the R647 rules, but there are other rules that need to be satisfied before the project can be started. Most notably, the Bureau of Land Management (BLM) will need to complete an environmental assessment for the portion of the road that crosses their property. As you informed me, this assessment will require that a cultural resources survey be completed either by the BLM or by a consulting firm.

On July 17, 2003, the Division received a letter from the State Historic Preservation Office (SHPO) notifying us that no known historic properties have been recorded within the project area because no historic properties surveys have been conducted. Technically, this satisfies the Division's requirements for consulting SHPO, but if you hire a consultant to conduct a survey on land managed by the BLM, we request that portions of the mine on state-managed land also be surveyed.

Since you have complied with all requirements for the NOI under rules enforced by the Division of Oil, Gas and Mining, we consider your notice complete. You may begin mining as soon as you have met the requirements of any other agencies regulating your activity. If any cultural resource sites are found within your operations area, either by your consultant or by the BLM, they must be reported to the Division and to SHPO. If any sites are discovered during operations, you are to immediately cease operations and notify this office, the BLM, SHPO, and/or SITLA of your find.

In accordance with the requirements of Rule R647-3-105, regarding the project location

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and disturbed area identification on a topographic map, ***the Division also requires the operator mark the proposed/actual disturbed area boundary (including access/haul roads) in the field with metal T-Posts (or other suitable, fixed markers) to assure that operations do not exceed the five acre limitation of this permit.*** Markers must be appropriately spaced so that the next marker in either direction is clearly visible with the naked eye.

The acceptance of this notice is for a small mining operation only, **not to exceed five acres**. Should you wish to expand your operation beyond the five (5) acre limitation, please notify this office as soon as possible to discuss the necessary permitting requirements. Approval of a large mining notice could take from six to twelve months or longer.

The Utah Mined Land Reclamation Act of 1975 [40-8-7(I)] provides the authority for fee implementation which was approved by the Utah Legislature at its 1998 session. Commencing July 1, 2002, and annually thereafter, the fees were increased to \$150.00 for small mining notices.

For your reference, I have enclosed copies of our summarized rules regarding "Operation and Reclamation Practices," and the statutory penalty for failure to reclaim a minesite (SMO-summary). Please give special consideration to item #10 of the "Operation and Reclamation Practices." Stockpiling topsoil material prior to beginning your mining operation will help ensure successful revegetation efforts upon final reclamation of the minesite. If the area being mined is a solid rock outcrop, or if the land surface is very rocky, then soil stockpiling is probably not possible. However, even the first few inches of undeveloped material is worth saving to aid in later revegetation efforts, and future regulatory release from reclamation requirements.

Thank you for your cooperation. Please call me at 801-538-5261 or e mail me at paulbaker@utah.gov if you have any questions about this approval.

Sincerely,

A handwritten signature in black ink, appearing to read 'P B Baker', written over the word 'Sincerely,'.

Paul B. Baker, Senior Reclamation Biologist  
Division of Oil, Gas and Mining

PBB:jb  
cc: Dean Nyffeler, Price BLM  
John Blake, SITLA  
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